



COMMONWEALTH OF MASSACHUSETTS  
**Board of Registration  
of  
Hazardous Waste Site Cleanup Professionals**

**MINUTES  
of  
BOARD MEETING**

Held on  
**March 27, 2008**

Meeting Location: JSI Center for Environmental Health Studies  
44 Farnsworth Street  
Boston, Mass.

Prepared by: A. Fierce

[Approved: June 5, 2008]

1. **Call to Order:** Chairperson Janine Commerford called the meeting to order at 5:35 p.m. The other Board members present were Gail Batchelder, Deborah Farnsworth, Kirk Franklin, Christophe Henry, Gretchen Latowsky, Robert Luhrs, and Kelley Race. Board members Paul Mullen, Debbie Phillips, and Debra Stake were absent. The LSP Board staff members present were Allan Fierce, Lynn Read, Brian Quinlan, Ron Viola, Terry Wood, and Al Wyman.
2. **Announcements:** None.
3. **Agenda:** The Board members agreed to follow the draft Agenda.
4. **Minutes:** The Board reviewed the draft minutes of the meeting of the Board held on February 12, 2008. A few corrections were noted. **A motion was made and seconded to approve the minutes as corrected. The motion was approved unanimously.**
5. **Report from Quasi-Judicial Sessions – Final Disciplinary Actions Taken:** Ms. Commerford requested and received unanimous consent to publish in the minutes of this meeting the following two reports from previous quasi-judicial sessions.

**Administrative Consent Order Re: Complaints 02C-04 and 07C-07**

At a quasi-judicial session held on January 9, 2008, the CRT members for Complaints 02C-04 and 07C-07 (Ms. Commerford, Ms. Stake, and Mr. Fierce) presented the terms of a proposed agreement for discipline that, if approved, would resolve these Complaints

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prior to the presentation of a CRT Report or the issuance of an Order To Show Cause. During the presentation, the LSP's name was not disclosed.

The other members of the Board who were present were as follows: Ms. Batchelder, Ms. Farnsworth, Mr. Franklin, Mr. Henry, Ms. Latowsky, and Ms. Race. Mr. Mullen and Ms. Phillips were absent. Mr. Luhrs was recused.

The CRT members briefly explained that they had been investigating both (a) the allegations presented by the two Complaints and (b) possible violations at two additional sites. The CRT's preliminary assessment (prior to a CRT Report) of the LSP's work at these four sites had been presented in writing to the Board prior to the quasi-judicial session.

The CRT members said that they had not yet fully concluded their investigation or drafted a CRT report. But, they said, they had substantially completed their investigation and had formed enough of an opinion to join with the Respondent LSP in presenting a joint, proposed agreement for discipline for the Board's review and approval.

The CRT and the LSP agreed that the following terms would be acceptable to both sides:

- Suspension of license for a minimum period of 24 months.
- Suspension to begin in two months (March 10, 2008), allowing LSP time to wrap up practice.
- Before license is reinstated, LSP must register for and pass (not just audit) "Understanding the MCP," a one-semester graduate-level course at U-Mass Lowell.
- Before license is reinstated, the LSP must also have obtained 12 additional credits in the following manner:
  - At least 4 credits from a course on site assessment;
  - At least 4 credits from a course on risk characterization;
  - At least 4 credits from a course on vapor intrusion; and
  - Any "extra" credits (beyond 12) earned may be used for license renewal.

After answering questions about the proposed resolution, the CRT members were recused and left the room. Thereupon, the Board discussed the proposed agreement for discipline. At the conclusion of the discussion, a motion was made and seconded to approve the terms of the proposed agreement for discipline. The members present approved the motion unanimously.

Thereafter, on February 12, 2008, the Respondent LSP and the Board signed an Administrative Consent Order incorporating this outcome. The suspension of the LSP's license took effect on March 10, 2008.

Throughout this discussion, the Respondent LSP's name was kept confidential. Now that these complaints have been resolved, the LSP's name, Richard E. Warren, is being made public.

**Oder To Show Cause: Complaint 06C-03**

At a quasi-judicial session held on January 9, 2006, two members of the Complaint Review Team for Complaint 06C-03 (Ms. Latowsky and Ms. Wood) presented their CRT Report summarizing the findings of their preliminary investigation. The third member of the CRT, Ms. Phillips, was on a speakerphone. During this presentation, the LSP's name was not disclosed.

The following seven non-recused members of the Board participated in this quasi-judicial session: Ms. Batchelder, Ms. Farnsworth, Mr. Franklin, Mr. Henry, Mr. Luhrs, Ms. Race, and Ms. Stake. Ms. Commerford was recused and was not present during the quasi-judicial session. In addition, Mr. Mullen was absent.

At the conclusion of the CRT's presentation, the two CRT members and Mr. Quinlan left the room, and Ms. Phillips terminated her speakerphone call. The seven remaining Board members then discussed the CRT's Report. At the conclusion of the discussion, the members voted unanimously that, based on the preliminary investigation, sufficient grounds existed to take disciplinary action against this LSP.

The CRT's attorney was directed to serve the Respondent LSP with an Order To Show Cause.

Thereafter, an Order To Show Cause was served on the respondent LSP on March 7, 2008.

6. **Decisions Regarding License Applicants:** Mr. Quinlan reported that ARP # 210 had not met and, therefore, had no recommendations to make.

7. **License Renewal Applications:**

**A. Renewal Dockets.** The staff presented the following License Renewal Dockets:

**Renewal Docket #1**

**License Renewal**

Renewal Date: April 30, 2008

Have met all requirements for renewal.

New Renewal Date: April 30, 2011

- |                          |       |
|--------------------------|-------|
| 1. James R. Borrebach    | #2149 |
| 2. Peter J. Levesque     | #1309 |
| 3. Kimberly B. Longridge | #5661 |

- |                       |       |
|-----------------------|-------|
| 4. Richard J. Rheume  | #6837 |
| 5. Rebecca L. Woolley | #7126 |

**Renewal Docket #2**

**Renewal After a 90-day Extension**

Original Renewal Date: Jan. 30, 2008

Have met all requirements for renewal.

New Renewal Date: Jan. 30, 2011

- |                            |       |
|----------------------------|-------|
| 1. Thomas P. Army          | #3050 |
| 2. Raymond G. Ball         | #4521 |
| 3. James K. Barrett        | #6054 |
| 4. Kevin J. Beaulieu       | #1699 |
| 5. Robert N. Block         | #6579 |
| 6. Robert S. Brackett      | #8655 |
| 7. Donald H. Bruehl        | #2003 |
| 8. Michael P. Clark        | #9055 |
| 9. R. Duff Collins         | #6314 |
| 10. Kathleen C. Creighton  | #9096 |
| 11. David J. Crispin       | #9788 |
| 12. Michael F. Dacey       | #3742 |
| 13. Denis W. D'Amore       | #6039 |
| 14. Brandon J. Fagan       | #9445 |
| 15. Leland J. Figgins, Jr. | #9370 |
| 16. Michael F. Geisser     | #6997 |
| 17. Francis J. Hopcroft    | #1620 |
| 18. Charles E. Klingler    | #9435 |
| 19. David A. Maclean       | #9056 |
| 20. John W. McTigue        | #6423 |
| 21. Abhijit Nobis          | #4165 |
| 22. Joseph V. Polsinello   | #7450 |
| 23. Neil M. Ram            | #6799 |
| 24. Kevin J. Riley         | #2831 |
| 25. Alton D. Stone         | #4058 |
| 26. Richard G. Stromberg   | #1008 |

**Renewal Docket #3**

**Renewal after License Expiration**

Expiration Date: Oct. 30, 2007

Has met all requirements for renewal.

New Renewal Date: April 30, 2011

- |                         |       |
|-------------------------|-------|
| 1. Frederick R. Baddour | #5354 |
|-------------------------|-------|

**Renewal Docket #4**

**Renewal After License Expiration**

Expiration Date: Jan. 30, 2008

Has met all requirements for renewal.

New Renewal Date: April 30, 2011

1. James M. Tarr #8842

**Renewal Docket #5**

**Renewal and Return to Active Status**

Placed on Inactive Status on January 30, 2007

Has met all requirements for renewal.

New Renewal Date: April 30, 2011

1. Catherine L. Eby #4839

**A motion was made and seconded to renew to licenses of the LSPs on Renewal Dockets #1, #2, #3, #4, and #5 for a three-year period ending on the date indicated in each Docket. The motion was approved unanimously.**

**B. License Expirations.** Mr. Viola reported that the licenses of the following LSPs expired on January 30, 2008, when they did not renew them at their 3-year renewal date:

1. William Beck #1637
2. William Beyer #9865
3. James Errico #4281
4. Gerard Goguen #2239
5. Robert Goldman #4385
6. Roberta Haney #4260
7. Joseph Kwasnik #3197
8. Wanda Ratliff #7595
9. Irwin Silverstein #8559
10. James Spencer #6517
11. James Tarr #8842
12. Philip Virgadamo #3276
13. Mark Worthington #8316

8. **Other Licensing-Related Matters:**

- A. New Panel Assignments and Scheduling.** Mr. Quinlan sought and obtained volunteers for Application Review Panel #211 (Ms. Batchelder, Mr. Henry, and Ms. Race).
- B. Appeals Status Report.** Ms. Wood reported that there are no pending appeals regarding the Board's denial of a license application.
- C. Inactive Status Report.** Mr. Fierce reported that upon the vote to renew her license earlier in the meeting, Catherin Eby had been returned to Active Status. Otherwise, there have been no changes since the previous meeting.
- D. LSPs who have Withdrawn from the Profession and Surrendered Licenses.** Mr. Fierce reported that the following LSPs have voluntarily withdrawn from the profession and surrendered their licenses:

Elaine A. Bleau-Richards (#2531) – effective c.o.b. on 2/22/08  
Paul J. Exner (#2194) – effective c.o.b. on 2/22/08

- E. Total Number of Active and Inactive LSPs.** Mr. Fierce reported that the total number of Active LSPs as of the date of this meeting was 553. In addition, 6 LSPs remain on Inactive Status.

9. **Examinations:**

- A. New Licensees.** Mr. Fierce reported that the following approved applicants passed the licensing exam on February 15, 2008, and are now LSPs:

<u>Name</u>	<u>Licensure Date</u>	<u>License No.</u>
Andrew T. Donoghue	2/19/08	#7326
Robert Patten	2/19/08	#3335

- B. Next LSP Exam.** The staff reported that the next exam is scheduled for April 2, 2008.

6. **Continuing Education Committee Report:**

- A. Course and Conference Approval Requests.** Mr. Henry reported that the Committee had met earlier in the day and had the following course and conference recommendations to present to the full Board:

Sponsor: NEWMOA  
Course Title: Remediation of Chlorinated Solvent Sites  
Credits Requested: At least 5 Technical credits

Committee Recommendation: **Approve for 6 Technical credits.**

Sponsor: MassDEP

Course Title: Regulatory Expectations and Guidelines for Notifications and Immediate Response Actions: 2 and 72-Hour Notifications [NERO Night]

Credits Requested: 2 DEP Course / Regulatory credits

Committee Recommendation: **Approve for credits requested.**

Sponsor: Association of Engineering Geologists (“AEG”)

Conference Title: AEG 2008 Spring Symposium

Credits Requested: Conference credits (50%; Technical)

Committee Recommendation: **Approve for credits requested.**

Sponsor: UMass Amherst

Conference Title: Triad National Conference (The Board approved the Conference and 3 workshops at the February 12, 2008, Board meeting. Now UMass is requesting approval of additional workshops and conference sessions.)

Credits Requested: The additional workshops/sessions and credits requested are as follows:

- i. Best Practices for Efficient Soil Sampling Designs (3 Technical, non-DEP credits);
- ii. Flux-Based Site Management (3.5 Technical, non-DEP credits);
- iii. Using 3-D and 4-D Site Characterization and Visualization: Planning and Execution Strategies For a Successful Project Outcome (3 Technical, non-DEP credits);
- iv. Beyond Triad: Characterization and Long Term Management of GW Contaminant Plumes (2 Technical, non-DEP credits); and
- v. Sessions 1-18 (1.5 Technical, non-DEP credits for each of the eighteen sessions).

Committee Recommendation: **Approve** the first four additional workshops noted above for 1:1 Technical, non-DEP credits. The Committee considered all eighteen 1.5-hour sessions being offered throughout the day on Wednesday and Thursday to be part of the Conference. Therefore, these sessions are eligible for 1:2 (50%) Conference credits. **Approve these sessions for 1:2 Conference credits as part of the Conference approved by the Board at the previous meeting.**

**A motion was made and seconded to accept the Committee’s recommendations. The motion was approved unanimously.**

- B. Other Business – Requests for Clarification of Board Policy on Use of “Overlapping” Credits.** The Committee reported that it had reviewed three requests for clarification of the Board’s policy regarding use of “overlapping” continuing education credits earned. Because only four Board members were

present at that point in the Committee meeting, the Committee voted to table the matter and present the issues for full discussion before the entire Board at this meeting. However, due to the lateness of the hour, the Committee recommended that this discussion be tabled and placed on the agenda for next month's Board meeting.

**A motion was made and seconded to table this item until next month's Board meeting. The motion was approved unanimously.**

7. **Professional Conduct Committee:** Since all the Board members present at this meeting were also present at the Professional Conduct Committee meeting held earlier in the day, the Board agreed to forego a Committee report.
8. **Personnel, Budget, and Fees:** Mr. Fierce reported that he had nothing new to report on this topic.
9. **Status of Board Member Replacements by Governor:** Ms. Commerford reported that it appears that background checks remain underway for both of the candidates recommended to the Governor.
10. **Next Article for LSPA News:** The staff reported that an article had just been submitted and the next deadline for the submission of articles is May 28, 2008. The Board agreed to discuss possible topics at the next meeting.
11. **Scheduling of Next Meeting:** The Board agreed to hold its next meeting on April 30, 2008, at MassDEP's Southeast Regional Office in Lakeville. The following meeting will be held on June 5, 2008, at a location to be determined.
12. **Adjournment:** The meeting was adjourned at approximately 5:52 p.m.